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REMARKS

This is in response to the office action mailed April 30, 2004. The specification has been amended to correct several typographical errors. Claim 10 has also been amended to correct a typographical error. Claim 19 has been canceled without prejudice or disclaimer.

Claims 1-18 and 20-30 are pending. In the office action the Examiner rejected Claims 1-5, 7, 10-12, 14, 17-19, 21, 24-26, and 28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,317,959 to Nilsson et al., (hereinafter, "Nilsson '959"). Specifically, the Examiner contends that the Nilsson '959 reference, by way of the U.S. Patent 5,976,453 to Nilsson et al., (hereinafter, "Nilsson '453") to which the Nilsson '959 reference refers, discloses wetting a fibrous material by forcing moisturized compressed air into contact with the fibrous material.

The Nilsson '453 reference discloses a feeding apparatus for expanding strand material. The Nilsson '453 feeding apparatus contains an air tube that introduces compressed air into an annular cavity surrounding a central channel of the feeding apparatus. An air stream generated by the air in the annular cavity exits the cavity through an open end, which contacts the central channel of the feeding apparatus. This air stream draws the strand material through the central channel of the feeding apparatus. The central channel of the feeding apparatus then passes through a knife portion of the feeding apparatus and may also pass through a detachable binder feeding portion of the feeding apparatus.

The Nilsson '453 patent incorporates by reference U.S. Patent 5,766,541 to Knutsson et al., which discloses the construction of the detachable binder feeding portion. The binder feeding portion dispenses a binder material into the central channel of the feeding apparatus. Water is then introduced into the central channel downstream from the binder application, and the water acts to wet the binder material that has been placed on the strand material.

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Neither the Nilsson '959 reference nor the Nilsson '453 reference to which it refers discloses the wetting of fibrous material by forcing moisturized compressed air into contact with the fibrous material. The Nilsson '453 apparatus receives compressed air within the annular cavity surrounding the central channel of the feeding apparatus. The air stream that results from that escape of the compressed air from the annular cavity is then used to carry the strand material through the central channel. This resultant air stream does not constitute a compressed air stream. When the compressed air leaves the annular cavity to form the air stream, the air experiences a reduction in pressure, and no longer constitutes compressed air. It is the uncompressed air stream that carries the strand material through the binder feeding portion of the feeding apparatus. The binder feeding portion is where the strand material is coated with binder material. Because the strand material passes through the binder feeding portion using an uncompressed air stream, the Nilsson '453 reference does not show the step of forcing moisturized compressed air through the fibrous material to wet the material, as is required by the present invention. The present invention, as shown in Figures 8 and 9 and described in the specification (beginning at Page 7, Line 14), combines the wetting fluid with the compressed air and wets the fibrous material within the texturizing chamber of the filling device, prior to any reduction in pressure. For at least this reason, Independent Claims 1, 10, and 24 and the respective dependent claims that depend therefrom are patentable over the cited references.

Independent Claim 17 has been amended to include the limitation that the fluid used in the wetting step of the method is water. The Nilsson '959 reference, as well as the Nilsson '453 reference and U.S. Patent 5,766,541 to Knutsson et al., (hereinafter, "Knutsson") to which it refers, does not teach or contemplate the use of water as a wetting fluid for maintaining the shape of the texturized fibrous material. The references disclose the use of a binder material to maintain the shape of the fibrous material, with water being used only to activate the requisite binder material.

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Therefore, for at least this reason, amended Independent Claim 10 and the dependent claims that depend therefrom are patentable over the cited references.

Applicant also maintains that Claims 7, 14, 21, and 28 are independently patentable over the '959 Nilsson reference, since the limitation of covering the fibrous material inserted into the outer shell with a protective material is not taught by the reference. The Examiner states that the '959 Nilsson reference discloses an outer shell 36g and a protective material 112. However, element 36g of the Nilsson '959 reference refers to the housing portion of the fixture 36 used to create the filled structure (chimney duct section). The housing portion 36g is not an element of the chimney duct section itself. Element 112, however, is defined as the outer pipe of the chimney duct, and is comparable to the outer shell 10, 50, and not the protective material, of the present invention. Therefore, there is no teaching in the Nilsson '959 reference of a protective material to cover the fibrous material inserted into the outer shell. For at least this reason, the protective material limitations of Claims 7, 14, 21, and 28, as well as other limitations of those claims, make those claims independently patentable over the '959 Nilsson reference.

The Examiner rejected claims 6, 8, 9, 13, 15, 16, 20, 22, 23, 27, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over the '959 Nilsson reference. With respect to claims 6, 13, 20, and 27, the Examiner states that the specification of the moisture content range for wetting the fibrous material would be obvious to one of ordinary skill in lieu of the Nilsson '959 reference. However, the Nilsson '959 reference (and the Nilsson '453 and the Knutsson references incorporated therein) does not disclose the stated moisture content range of the present application, and it also does not disclose using a wetting process to maintain the shape of fibrous insulation material. The purpose of the moisture content range of the present invention is to provide a suitable amount of moisture content to hold the texturized fibers together (See Page 10, Line 13). In contrast, the introduction of moisture (water) in the cited reference(s) is to activate the requisite binder material that is used to hold the fibrous

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material together. The purpose of the water is to enhance the capabilities of the binder (see '541 reference, Column 8, Lines 54-60), and not to serve as the means for maintaining the shape of the texturized fibrous material. Because the moisture content requirement of the present invention serves a different purpose from that of the cited reference, the specified range of the present invention is subsequently not obvious, as it is directed toward a different application of moisture content altogether.

With respect to claims 8, 9, 15, 16, 22, 23, 29, and 30, in rejecting the claims the Examiner has stated that it would be obvious to utilize a protective material made from fibrous glass or paper. However, as discussed above, the Nilsson '959 reference (as well as the Nilsson '453 and Knutsson references incorporated therein) does not disclose the use of a protective material. Because the use of a protective material is not taught by the cited reference, the specification of alternative materials for such protective material is not obvious. Therefore, claims 8, 9, 15, 16, 22, 23, 29, and 30 are patentable.

In view of these amendments and remarks, Applicant believes that the application is in condition for allowance. Applicant has shown that the claims are patentable over the references. Accordingly, Applicant requests withdrawal of the rejections and an early Notice Of Allowance.